



**BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES  
MONDAY, October 14, 2024**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, October 14, 2024, at 301 West 2<sup>nd</sup> Street in Austin, Texas.

**Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:35 PM.**

**Board Members/Commissioners in Attendance in-Person:**

Jessica Cohen-Chair, Melissa Hawthorne-Vice Chair, Michael Von Ohlen

**Board Members/Commissioners in Attendance Remotely:**

Thomas Ates, Jeffery Bowen, Bianca A. Medina-Leal, Yung-ju Kim, Brian Poteet, Maggie Shahrestani, Janel Venzant

**PUBLIC COMMUNICATION: GENERAL**

The first (4) four speakers signed up/register prior (**no later than noon the day before the meeting**) to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

**None**

**APPROVAL OF MINUTES**

1. Approve the minutes of the Board of Adjustment Regular meeting on September 9, 2024.

**On-Line Link: [Draft Minutes for September 9, 2024](#)**

**The minutes from the meeting September 9, 2024, were approved on Vice Chair's Melissa Hawthorne motion, Board member Michael Von Ohlen second on a 9-1-0 vote (Board member Jeffrey Bowen abstained).**

**PUBLIC HEARINGS**

Discussion and action on the following cases.

**Postponement requests to November 14, 2024:**

**Item 3 by applicant, Item 4 by applicant and Item 6 by neighborhood association (OWANA)**

**Board member Michael Von Ohlen’s motion to approve postponement requests for Items 3, 4 and 6 to November 14, 2024; Vice Chair Melissa Hawthorne second on 10-0 votes; Item 6 Owner opposes to the postponement request by OWANA and requests open for discussion; substitute motion, Board member Michael Von Ohlen motion to approve postponement requests for Items 3 and 4 only to November 14, 2024, and Item 6 open for discussion; Vice-Chair Melissa Hawthorne second on 9-1 vote (Chair Jessica Cohen nay).**

**Reconsideration Appeal case:**

2. C15-2024-0025 Appellant’s Agent: Nicholl Wade - Appellant: Warren Konkel  
Owner: Christy May  
6708 Bridge Hill Cove

**On-Line Link: [ITEM02 ADV PACKET APPEAL1 PART1](#), [PART2](#), [PART3](#)  
and  
[APPEAL2 PART 1](#), [PART2](#), [PART3](#), [PART4](#)  
[PRESENTATION by appellant](#); [PRESENTATION by owner](#);  
[PRESENTATION by staff](#)**

Summary of Appeal: Appellant challenges issuance of:

- Building Permit **2023-129658 BP**

and

- Building Permit **2023-129659BP**

on the grounds that the City of Austin incorrectly approved impervious cover (IC) of approximately 12,811 square feet, which exceeds IC limitations applicable within the Lake Austin (LA) zoning district.

**Reconsideration request: Board member Michael Von Ohlen’s motion to deny reconsideration request; Vice Chair Melissa Hawthorne second on 10-0 votes; reconsideration request DENIED.**

**Previous Postponed cases:**

3. C15-2024-0028 Haim Joseph Mahlof (Green Bay Remodeling, Inc.) for Wendy Jo Peterson  
1406 S 3<sup>rd</sup> Street

**On-Line Link: [ITEM03 ADV PACKET](#); NO PRESENTATION**

The applicant is requesting the following variance(s) from the Land Development Code, **Section 25-2-779** (*Small Lot Single-Family Residential Use*) from setback requirements to decrease the minimum front yard setback from 15 feet (required) to 5 feet (requested) in order to attach a second story deck in a “SF-4A-NP”, Single-Family - Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

**POSTPONED TO November 14, 2024 BY APPLICANT**

**New Variance cases:**

4. C15-2024-0031 Victoria Haase for Austin Area School for Dyslexics, Inc.  
2615 ½ Hillview Road

**On-Line Link: [ITEM04 ADV PACKET](#); [PRESENTATION](#)**

The applicant is requesting a variance(s) from the Land Development Code, Section:

- 25-2-492 (*Site Development Regulations*):
  - Height Requirements to increase the height from 35 feet (maximum allowed) to 50 feet (requested)
  - Setback Requirements to decrease the minimum front yard setback from 25 feet (required) to 15 feet (requested)
  - Setback Requirements to decrease the minimum rear yard setback from 10 feet (required) to 5 feet (requested)
  - Building Coverage to increase from 40 percent (maximum allowed) to 60% (requested)
  - Impervious Coverage to increase from 45 percent (maximum allowed) to 60 percent (requested)
- 25-2-832 (*Private Schools*) (1) a site must be located on a street that has a paved width of at least 40 feet (required) to 30 feet (requested) from the site to where it connects with another street that has a paved width of at least 40 feet (required) to 30 feet (requested)

in order to erect school buildings and structured sub-grade parking facilities in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (West Austin Neighborhood Group).

**POSTPONED TO November 14, 2024 BY APPLICANT**

5. C15-2024-0032 Michele Rogerson Lynch for Sunoco-Vincent Record  
3201 E SH 71 SvrD WB

**On-Line Link: [ITEM05 ADV PACKET](#); [PRESENTATION](#)**

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-814 (*Service Station Use*) (3) to increase the queue lanes from 8 (required) to 12 (requested)

in order to erect a 7-Eleven Service Station in a “GR-CO” Community Commercial zoning district.

**The public hearing was closed by Madam Chair Jessica Cohen, Madam Chair Jessica Cohen’s motion to approve; Board member Michael Von Ohlen second on 10-0 votes; GRANTED.**

6. C15-2024-0034 Robert Allison for Brad Hoskins  
705 Brownlee Circle

**On-Line Link: [ITEM06 ADV PACKET](#); [PRESENTATION](#)**

The applicant is requesting a variance(s) from the Land Development Code, Section, 25-2-773 (*Duplex, Two-Unit, and Three-Unit Residential Uses*):

- (B) (7) Impervious Coverage to increase from 45 percent (maximum allowed) to 65 percent (requested)
- (E) (4) F.A.R to increase from 40% (required) to 50% (requested) in order to remodel a residence in a “MF-3-NP”, Multi-Family-Neighborhood Plan zoning district (West Austin Neighborhood Group).

**25-2-773 - DUPLEX, TWO-UNIT, AND THREE-UNIT RESIDENTIAL USES.**

*(A) To the extent of conflict, this section supersedes the base zoning district regulations.*

*(B) For a duplex, two-unit, and three-unit residential use:*

*(1) minimum lot area is 5,750 square feet;*

*(2) minimum front yard setback is 15 feet;*

*(3) minimum rear yard setback is:*

*(a) the base zoning district minimum rear yard setback; or*

*(b) five feet when the lot is adjacent to:*

*(i) an alley; or*

*(ii) another lot with a use that is permitted in a multifamily base zoning district or less restrictive base zoning district;*

*(4) minimum street-side yard setback for a lot located on a corner and:*

*(a) on a Level 1 street is the greater of five feet from the property line or 10 feet from curb, or in the absence of curbs, from the edge of the pavement; or*

*(b) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line;*

*(5) minimum number of street-facing entrances is one;*

*(6) maximum building coverage is 40 percent; and*

*(7) maximum impervious cover is 45 percent.*

*(E) This subsection applies to the area established in Subsection 1.2.1 of Chapter 252, Subchapter F (Residential Design and Compatibility Standards).*

*(1) In this subsection,*

*(a) EXISTING DWELLING UNIT means a dwelling unit that is:*

*(i) legally permitted and occupied before December 7, 2023; or*

*(ii) described in an application for a residential permit that was submitted on or before December 7, 2023.*

*(b) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls, except as provided in this subsection.*

*(2) Gross Floor Area Exclusions.*

*(a) For a property that includes an existing dwelling unit that was constructed on or before December 31, 1960, the property owner may exclude the preserved square footage from the gross floor area if the requirements in Subsection (F) are met.*

*(b) For a property that includes an existing dwelling unit that was constructed on or after January 1, 1961, and is at least 20 years old, the property owner may exclude the preserved square footage from the gross floor area if the requirements in Subsection (F) are met.*

*(3) Floor-to-area ratio for a duplex or two-unit residential use.*

*(a) The maximum floor-to-area ratio for the site is the greater of 0.55 or 3,200 square feet.*

*(b) Except for an existing dwelling unit, a dwelling unit may not exceed the greater of 0.4 or 2,300 square feet.*

*(4) Floor-to-area ratio for three-unit residential use.*

*(a) The maximum floor-to-area ratio for the site is the greater of 0.65 or 4,350 square feet.*

*(b) Except for an existing dwelling unit, a dwelling unit may not exceed the greater of 0.4 or 2,300 square feet.*

*(c) Except for two existing dwelling units, two dwelling units may not exceed the greater of 0.55 or 3,200 square feet.*

*Source: Section 13-2-254; Ord. 990225-70; Ord. 000309-39; Ord. 030605-49; Ord. 031120-44; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; [Ord. No. 20231102-028](#), Pt. 12, 11-13-23; [Ord. No. 20231207-001](#), Pt. 8, 12-18-23.*

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen’s motion to approve impervious coverage increase to .65 and FAR to .5 with the condition of SF-3 standards consistent with SF-3 use, and friendly amendment of shrubbery or landscape screening of the new parking spaces in the front from the street; Vice Chair Melissa Hawthorne second on 10-0 votes; GRANTED IMPERVIOUS COVERAGE INCREASE TO .65 AND FAR TO .5**

**WITH THE CONDITION OF SF-3 STANDARDS CONSISTENT WITH SF-3 USE, AND FRIENDLY AMENDMENT OF SHRUBBERY OR LANDSCAPE SCREENING OF THE NEW PARKING SPACES IN THE FRONT FROM THE STREET.**

### **DISCUSSION ITEMS**

7. Discussion of the September 9, 2024, Board of Adjustment activity report  
**On-Line Link: [ITEM07 September 9, 2024-MONTHLY REPORT DISCUSSED](#); continued to November 14, 2024**

### **DISCUSSION AND ACTION ITEMS**

8. Discussion and possible action for adopting meeting dates for Jan. 2025-Dec. 2025  
**On-Line Link: [Item 8](#)**  
**Board member Micheal Von Ohlen's motion to approve meeting dates for 2025, 2<sup>nd</sup> Monday of the month at 301 W 2<sup>nd</sup> Street, Council Chambers; Board member Brian Poteet second, no objections.**

### **FUTURE AGENDA ITEMS AND ANNOUNCEMENTS**

**Add two discussion items to next agenda:**

**Discussion regarding gas stations and Transportation Criteria Manual**

**Discussion regarding the reading of the findings for the Board of Adjustment cases**

### **ADJOURNMENT 7:15PM**

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 business days before the meeting date. Please call the Board Liaison Elaine Ramirez, Development Services Department at 512-974-2202 or email [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov) or the Board Secretary Diana Ramirez, Development Services Department at 512-974-2241 or email [diana.ramirez@austintexas.gov](mailto:diana.ramirez@austintexas.gov) , for additional information; TTY users route through Relay Texas at 711.

For more information on the Board of Adjustment, please contact Board Liaison's Elaine Ramirez, Development Services Department at [512-974-2202/elaine.ramirez@austintexas.gov](mailto:512-974-2202/elaine.ramirez@austintexas.gov)